



August 1, 2016

BY ELECTRONIC FILING

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: NOTICE OF EX PARTE

GN Docket No. 15-178: *Petition for Waiver of Rules Requiring Support of TTY Technology*
CG Docket No. 16-145: *Transition from TTY to Real-Time Text Technology*

Dear Ms. Dortch:

On July 28, 2016, Courtney Neville and I of Competitive Carriers Association¹ (“CCA”) met with Karen Peltz Strauss, Bob Aldrich, and Suzy Rosen Singleton of the Consumer and Governmental Affairs Bureau, to discuss the Federal Communications Commission’s (“FCC” or “Commission”) Notice of Proposed Rulemaking (“NPRM”) to facilitate the transition from text telephone technology to a means of providing real-time text communications,² as well as CCA’s Preliminary Report,³ separately filed in the above-referenced proceedings.

CCA first discussed the Commission’s real-time text (“RTT”) NPRM. CCA supports the Commission’s goal to adopt new rules applicable to text-based communications over IP-based networks through its NPRM. CCA encouraged the Commission to ensure that any new rules are “readily achievable” or “achievable,” and do not impose arbitrary or capricious mandates on competitive carriers.⁴ In particular, CCA urged the FCC to review the nationwide carriers’ RTT progress reports and monitor progress of the standards setting organizations as it appears the December 31, 2017 waiver deadline may be too aggressive for all providers. CCA and its members

¹ CCA is the nation’s leading association for competitive wireless providers and stakeholders across the United States, and its membership includes nearly 100 competitive wireless providers ranging from small, rural carriers serving fewer than 5,000 customers to regional and national providers serving millions of customers. CCA also represents approximately 200 associate members including vendors and suppliers that provide products and services throughout the mobile communications supply chain.

² *Transition from TTY to Real-Time Text Technology*, Notice of Proposed Rulemaking, FCC 16-53 (rel. Apr. 29, 2016) (“RTT NPRM”).

³ Competitive Carriers Association, Preliminary Report, GN Docket No. 15-178 (filed July 19, 2016).

⁴ See Comments of Competitive Carriers Association, CG Docket No. 16-145 and GN Docket No. 15-178 at 2-3 (filed July 11, 2016) (“CCA RTT NPRM Comments”); see also Reply Comments of Competitive Carriers Association, CG Docket No. 16-145 and GN Docket No. 15-178 at 1-4 (filed July 25, 2016) (“CCA RTT NPRM Reply Comments”).

are committed to moving to RTT, but need the largest carriers to pave the way for equipment and technology development and deployments.

Regarding specific rules, CCA recommended the Commission extend the December 31, 2017 deadline for an additional eighteen months for non-nationwide carriers. CCA reiterated that competitive carriers have less ability to influence the technical ecosystem in which RTT will operate, or the device ecosystem necessary to acquire devices with RTT capability.⁵ As a result of consolidation in the market, CCA also emphasized that the number of Tier II carriers has drastically declined.⁶ As a result, CCA encouraged the Commission to allot an additional eighteen-month compliance period for all non-nationwide providers.

Similarly, the NPRM proposes that handsets and devices sold after December 31, 2017 be RTT-capable.⁷ As written, that obligation could apply to carriers, and would eliminate any intent to grant non-nationwide carriers additional time to deploy RTT. CCA noted that competitive Tier II and Tier III carriers cannot make RTT-capable devices available before they deploy RTT in their networks. Likewise, smaller providers often are unable to obtain the newest handsets, an issue that complicates compliance with some regulatory obligations.⁸ CCA therefore sought clarification that manufacturers bear the obligation to meet this requirement, as opposed to carriers.

In that same vein, CCA encouraged the Commission to ensure that the transition from TTY to RTT is inclusive and avoids overburdening certain providers' resources. CCA's members are

⁵ See *Ex Parte* Letter from Linda Vandeloop, AVP Federal Regulatory, AT&T, to Marlene H. Dortch, Secretary, FCC, GN Docket No. 15-178 at 4 (filed June 16, 2016) (noting that the company "hopes to offer mobile devices with a manufacturer embedded RTT solution in 2018, dependent on standards setting and manufacture development cycles").

⁶ See RTT NPRM ¶ 27, fn 91 (citing *Improvements to Benchmarks and Related Requirements Governing Hearing Aid-Compatible Mobile Handsets, Amendment of the Commission's Rules Governing Hearing Aid-Compatible Mobile Handsets*, Fourth Report and Order and Notice of Proposed Rulemaking, 30 FCC Rcd 13845, at 13856 ¶ 21 & n.62 (2015) (defining Tier II service providers as "non-nationwide mid-sized CMRS providers with greater than 500,000 subscribers as of the end of 2001" and Tier III service providers as "nonnationwide small CMRS providers with no more than 500,000 subscribers as of the end of 2001")). While the distinction of Tier II and Tier III carriers was in the past relevant, few Tier II carriers now exist as a result of market consolidation. The vast majority of CCA's members are Tier III carriers.

⁷ RTT NPRM ¶ 28.

⁸ The Commission has, in other contexts, granted additional time for compliance to smaller carriers, noting that Tier II and Tier III carriers in many cases do not have the ability to drive technology development and deployment, as well as an inability to obtain equipment on the same timeframe as the largest nationwide carriers. See *Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, Order to Stay, 17 FCC Rcd. 14,841 ¶ 10 (2002); *Section 68.4(a) of the Commission's Rules Governing Hearing Aid-Compatible Telephones*, Memorandum Opinion and Order, 23 FCC Rcd. 3352 ¶ 5 (2008); *Wireless E911 Location Accuracy Requirements*, Fourth Report and Order, 30 FCC Rcd. 1259 ¶ 104 (2015); see also *Promoting Interoperability in the 700 MHz Commercial Spectrum*, 28 FCC Rcd. 15122 ¶¶ 55-59 (2013) (granting an extension of time to meet construction benchmarks for 700 MHz E Block licensees).

placed at a competitive disadvantage as it is unlikely that, at this point, they will be involved in establishing RTT standards and manufacture cycles. Once RTT is deployed, therefore, continued support for TTY in addition to RTT is burdensome and of limited utility where backwards compatibility is achieved.⁹

Finally, in addition to the RTT NPRM, CCA discussed its Preliminary Report as filed in accordance with the *Order* granting CCA a temporary, limited waiver of the Commission's current TTY rules. CCA and its members are strongly committed to accessibility, and continue to work to develop RTT. To that end, CCA thanked the Commission for granting an unprecedented association-wide waiver of its current TTY rules. Further, CCA sought clarity on several issues related to the Preliminary Report and on the format and substance of its bi-annual Progress Reports detailing its members' progress toward implementing RTT.¹⁰ Specifically, in accordance with the *Order*, CCA will file reports every six months.

CCA and its members remain committed to deploying RTT. CCA looks forward to ongoing discussions with the Commission to ensure all consumers have access to these technologies.

This *ex parte* notification is being filed electronically with your office pursuant to Section 1.1206 of the Commission's Rules. Please do not hesitate to contact me with any questions or concerns.

Respectfully submitted,

/s/ Rebecca Murphy Thompson

Rebecca Murphy Thompson
EVP & General Counsel
Competitive Carriers Association

cc (via email): Bob Aldrich
Suzy Rosen Singleton
Karen Peltz Strauss

⁹ See CCA RTT NPRM Reply Comments at 5.

¹⁰ See *Petition for Waiver of Rules Requiring Support of TTY Technology*, Order, DA 16-435 (Apr. 20, 2016) ("*Order*"). The Commission granted CCA's request for a waiver of applicable TTY-related requirements for its members' IP-enabled wireless services with the same conditions as waivers previously granted to AT&T, Verizon, and Cellular South. The *Order* required CCA to file, on behalf of its participating members, "a preliminary report with the Commission describing... its initial plans for meeting its commitment to develop and deploy RTT or an alternative text-based solution that is accessible, interoperable with other carriers' accessibility solutions, and backward compatible with TTY technology."